

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

NO. AB-55(SUB-NO. 592X)

**CSX Transportation, Inc.
Petition for Exemption
In Clark County, Indiana**

BACKGROUND

In this proceeding, CSX Transportation, Inc. (CSXT) has filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of that portion of its Midwest Region, Louisville Division, extending between Milepost B-1.3 near Watson and Milepost B-6.7 near Jeffersonville in Clark County, Indiana, a distance of approximately 5.4 miles. A map depicting the rail line in relationship to the area served is appended to the report. If the exemption becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances, and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

CSXT states in its application that there are two active rail patrons on the line but that these patrons will remain CSXT customers and will be served through a reciprocal switching arrangement with the Louisville & Indiana Railroad.

If abandonment is approved, 18 at-grade highway rail crossings in Clark County will be eliminated.

ENVIRONMENTAL REVIEW

The railroad has submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. The railroad has served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR 1105.7(b). We have investigated and reviewed the record in this proceeding.

The Bloomington, Indiana Field Office of the U.S. Fish and Wildlife Service (FWS) has advised us that the abandonment corridor includes Mill Creek and passes near two forested wetlands. The rail corridor is within the range of the Federally endangered Indiana bat and gray bat, and threatened bald eagle, and Mill Creek is near a major foraging area for a colony of gray

bats. To avoid or minimize impacts to these resources, FWS recommends the salvage conditions outlined below.

CONDITIONS

In response to the concerns expressed by FWS, we recommend that the following conditions be imposed on any decision granting abandonment authority. During any salvage operations, CSXT shall:

1. Minimize tree clearing and avoid wetland disturbance for access to work areas.
2. Avoid discharge of demolition debris, waste material, or other pollutants into Mill Creek or wetlands.
3. If earthmoving is required, contain disturbed soils to prevent runoff to waterways or wetlands.
4. If bridge removal at Mill Creek is proposed, avoid work in the stream channel during the primary fish spawning season, April 1-June 15.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, and subject to the recommended mitigation measures, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the petition for exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Washington, DC 20423, to the attention of Dana White, who prepared this environmental assessment. **Please refer to Docket No. AB- 55 (Sub No. 592X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Dana White at (202) 565-1552.

Date made available to the public: **August 20, 2001.**
Comment due date: September 18, 2001. (30 Days)

By the Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment

MAP NEEDS TO BE SCANNED.